IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 8156/2004

RAJVEER SINGH & ORS. Vs. STATE OF RAJASTHAN & ORS.

DATE: 01.11.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Vijay Pathak for the petitioners.
Mr. Arun Chaturvedi for the respondents.

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This writ petition is directed against the impugned notice dated 12.07.2004 initiating proceedings of enquiry against the petitioners as also against the order dated 06.10.2004, by which the respondent No.2, the Secretary, Board of Secondary Education, Rajasthan, Ajmer cancelled the whole examination of the petitioners for the Session 2003-04 for Class 10th. The petitioners are further seeking direction to declare the result of the petitioners for the Session 2003-04 for Class 10th and accordingly declare them entitled to appear in the next examination of 2004-05.

The main challenge to the impugned order dated 06.10.2004 is on the ground that the petitioners are amongst 110 candidates who were found mass-copying in

the examination of Mathematics paper and out of 110 candidates, examination of only the present 5 petitioners and one another candidate has been cancelled, which is not only discriminatory but also contrary to the report submitted by the Invigilator/ Examiner.

Learned counsel appearing for the respondents submits that they have not discriminated the petitioners and all 110 candidates who were held guilty of mass copying in the same paper of Mathematics were called for personal hearing on 26.07.2004 and at the time of personal hearing, they were asked to solve the same paper, but the petitioners did not do it, whereas other 104 candidates have solved the paper. Considering this fact and giving benefit of doubt, their examinations were not cancelled, whereas the petitioners refused to solve the paper and, therefore, their examinations have been cancelled under the provisions of Regulations (Pariksha Sanchalan Nirdeshika, 2005) issued by the Board of Secondary Education, Rajasthan, Ajmer. The relevant regulations (औ) & (अं) of 21.6 at page 31 are reproduced hereunder:-

(औ) विनियम (3) (आ) के अन्तर्गत सचिव द्वारा यह रिपोर्ट करने पर कि केन्द्र विशेष पर समस्त परीक्षार्थियों ने सामूहिक रूप से अथवा किन्हीं परीक्षा कमरों में परीक्षार्थियों ने किसी विषय/विषयों अथवा पत्र/पत्रों की परीक्षा में वृहद् स्तर पर अनुचित साधनों का प्रयोग किया है तो परिणाम समिति सम्बन्धित केन्द्राधीक्षक, वीक्षक/वीक्षकों, सुपर वाइजर इन चीफ (यदि केन्द्र पर नियत किये हों) उड़नदस्ते (यदि केन्द्र का आकस्मिक निरीक्षण किया हो) अथवा अन्य विश्वसनीय स्रोतों की रिपोर्टों का अध्ययन करने के उपरान्त पूर्णतया आश्वस्त हो तो उस केन्द्र विशेष की अथवा केन्द्र के कुछ कमरों में बैठे परीक्षार्थियों की उस सत्र की अथवा उनकी सम्पूर्ण परीक्षा निरस्त कर सकती है।

(अं) परीक्षा के अनुचित साधन का प्रयोग अथवा दुराचार अथवा दुर्व्यवहार के ऐसे मामले जो उपराक्त प्रावधानों के अन्तर्गत नहीं आते हैं तो परिणाम समिति उनके गुण-दोष को दृष्टिगत रखते हुए उन पर निर्णय करेगी तथा परीक्षार्थी को दण्डित भी कर सकेगी।

Thus, as per provision (अं) of 21.6 at page 31 of the Regulations, the Board is empowered to cancel the entire examination.

Having considered the submissions made on behalf of the respondents and upon careful perusal of the Regulations of the Board, I find no illegality and the Board is empowered to cancel the entire examination and as the petitioners were found guilty of mass copying, the respondent Board has rightly cancelled their examinations. Thus, I find no merit in the writ petition.

Consequently, the writ petition fails being devoid of merit and the same is hereby dismissed with no order as to costs.

The stay application also stands dismissed.

(K.S. RATHORE),J.

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